

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCT LIABILITY LITIGATION

2:12-md-2327

THIS DOCUMENT RELATES TO:
WAVE 5 CASES

ORDER

On September 26, 2017, the parties appeared, by counsel, on Defendants' Motion to Compel Discovery or in the Alternative, to Exclude Certain Opinion Testimony. (ECF No. 4582). For the reasons stated at the hearing, the Court **GRANTS**, in part, and **DENIES**, in part, the motion. Plaintiffs are hereby **ORDERED** to collect and produce to the defendants the following information pertaining to the article entitled "Oxidation and Degradation of Polypropylene Transvaginal Mesh," relied upon by Dr. Guelcher:

1. Protocols;
2. Raw data;
3. Information about specimens and materials; and
4. Images, such as photographs, taken during the collection of data.

Plaintiffs are not required to produce:

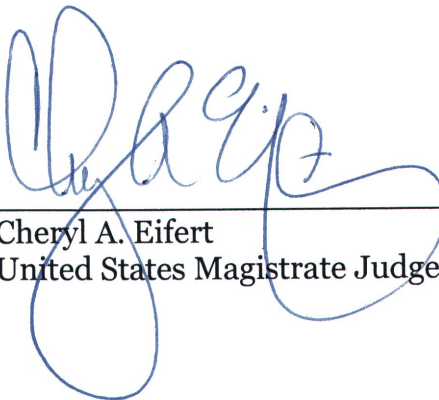
1. Reports of adverse events;
2. Informed Consents;
3. Materials and minutes for study meetings;
4. Investigator brochures;
5. Interim results; or
6. Communications with co-authors, patients, etc...

Plaintiffs and Defendants shall promptly meet and confer about the amount of time it will take Plaintiffs to obtain and produce the information, and shall notify the undersigned of any irreconcilable disputes as they arise.

With respect to Defendants' motion that they be permitted to take a supplemental deposition of Dr. Guelcher to question him about the raw data, the motion is **DENIED**. Furthermore, Defendants' motion to preclude Dr. Guelcher from offering opinions or testimony based upon the above-mentioned article is likewise **DENIED**, as it is moot.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and in the Wave 5 cases.

ENTERED: September 26, 2017



Cheryl A. Eifert
United States Magistrate Judge